



Senate

General Assembly

File No. 449

January Session, 2023

Substitute Senate Bill No. 1178

Senate, April 5, 2023

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT EXPANDING CONNECTICUT PAID SICK DAYS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-57r of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 As used in this section and sections 31-57s to 31-57w, inclusive, as
4 amended by this act:

5 (1) "Child" means (A) a biological, adopted or foster child, stepchild,
6 legal ward of [a service worker, or] an employee, (B) a child of [a service
7 worker] an employee standing in loco parentis, [who is (A) under
8 eighteen years of age; or (B) eighteen years of age or older and incapable
9 of self-care because of a mental or physical disability] or (C) an
10 individual to whom the employee stood in loco parentis when the
11 individual was a child;

12 [(2) "Day or temporary worker" means an individual who performs

13 work for another on (A) a per diem basis, or (B) an occasional or
14 irregular basis for only the time required to complete such work,
15 whether such individual is paid by the person for whom such work is
16 performed or by an employment agency or temporary help service, as
17 defined in section 31-129;]

18 [(3)] (2) "Employee" means an individual engaged in service to an
19 employer in the business of the employer, except that it does not include
20 an individual who is a member of a construction-related trade person
21 employee organization that is a party to a multi-employer health plan
22 in which more than one employer is required to contribute to such plan
23 and such plan is maintained pursuant to one or more collective
24 bargaining agreements between a construction-related trade person
25 employee organization or organizations and employers;

26 [(4)] (3) "Employer" means any person, firm, business, educational
27 institution, nonprofit agency, corporation, limited liability company or
28 other entity that employs [fifty or more individuals in the state, which
29 shall be determined based on such person's, firm's, business',
30 educational institution's, nonprofit agency's, corporation's, limited
31 liability company's or other entity's payroll for the week containing
32 October first, annually. "Employer" does not include: (A) Any business
33 establishment classified in sector 31, 32 or 33 in the North American
34 Industrial Classification System, or (B) any nationally chartered
35 organization exempt from taxation under Section 501(c)(3) of the
36 Internal Revenue Code of 1986, or any subsequent corresponding
37 internal revenue code of the United States, as from time to time
38 amended, that provides all of the following services: Recreation, child
39 care and education;] individuals in the state, except that it does not
40 include an employer that participates in a multi-employer health plan
41 in which more than one employer is required to contribute to such plan
42 and such plan is maintained pursuant to one or more collective
43 bargaining agreements between a construction-related trade person
44 employee organization or organizations and employers;

45 (4) "Family member" means (A) a spouse, sibling, child, grandparent,

46 grandchild or parent of an employee, or (B) an individual related to an
47 employee by blood or affinity, whose close association with the
48 employee is the equivalent of any such family relationship;

49 (5) "Family violence" has the same meaning as provided in section
50 46b-38a;

51 (6) "Grandchild" means a grandchild related to a person by blood,
52 marriage, adoption by a child of the grandparent or foster care by a child
53 of the grandparent;

54 (7) "Parent" means a biological, foster or adoptive parent, stepparent,
55 parent-in-law, legal guardian of an employee or an employee's spouse,
56 an individual standing in loco parentis to an employee or an individual
57 who stood in loco parentis to the employee when the employee was a
58 child;

59 (8) "Paid sick leave" means paid time that is provided by an employer
60 to an employee for the purposes described in section 31-57t, as amended
61 by this act;

62 [(6)] (9) "Retaliatory personnel action" means any termination,
63 suspension, constructive discharge, demotion, unfavorable
64 reassignment, refusal to promote, disciplinary action or other adverse
65 employment action taken by an employer against an employee; [or a
66 service worker;]

67 [(7)] "Service worker" means an employee primarily engaged in an
68 occupation with one of the following broad or detailed occupation code
69 numbers and titles, as defined by the federal Bureau of Labor Statistics
70 Standard Occupational Classification system or any successor system:
71 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health
72 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
73 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
74 21-1099 Community and Social Service Specialists, All Other; (G) 25-
75 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
76 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-

77 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
78 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
79 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
80 Practitioner Support Technologists and Technicians; (R) 29-2060
81 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
82 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
83 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
84 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
85 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
86 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
87 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;
88 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,
89 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants
90 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts
91 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090
92 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-
93 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
94 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030
95 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
96 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage
97 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
98 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors
99 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and
100 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
101 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170
102 Receptionists and Information Clerks; (YY) 43-5020 Couriers and
103 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
104 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
105 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
106 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)
107 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
108 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine
109 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy
110 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous
111 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;

112 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing
113 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
114 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency
115 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
116 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,
117 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum
118 wage and overtime compensation requirements of the Fair Labor
119 Standards Act of 1938 and the regulations promulgated thereunder, as
120 amended from time to time. "Service worker" does not include day or
121 temporary workers;]

122 [(8)] (10) "Sexual assault" means any act that constitutes a violation of
123 section 53a-70b of the general statutes, revision of 1958, revised to
124 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
125 53a-73a;

126 (11) "Sibling" means a brother or sister related to an employee by
127 blood, marriage or adoption by a parent of the employee or by foster
128 care placement;

129 [(9)] (12) "Spouse" means a husband or wife, as the case may be; and

130 [(10)] (13) "Year" means any three-hundred-sixty-five-day period
131 used by an employer to calculate employee benefits.

132 Sec. 2. Section 31-57s of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective October 1, 2023*):

134 (a) Each employer shall provide paid sick leave annually to each of
135 such employer's [service workers] employees in the state. Such paid sick
136 leave shall accrue (1) beginning [January 1, 2012] October 1, 2023, or for
137 [a service worker] an employee hired after said date, beginning on the
138 [service worker's] employee's first date of employment, (2) at a rate of
139 one hour of paid sick leave for each [forty] thirty hours worked by [a
140 service worker] an employee, and (3) in one-hour increments up to a
141 maximum of [forty] eighty hours per year. [Each service worker] An
142 employer may provide its employees with a greater amount of paid sick

143 leave or provide paid sick leave that is accrued in total at a rate greater
144 than the rate described in this subsection. Each employee shall be
145 entitled to carry over up to forty unused accrued hours of paid sick leave
146 from the current year to the following year, but no [service worker]
147 employee shall be entitled to use more than the maximum number of
148 accrued hours, as described in subdivision (3) of this subsection in any
149 year. In lieu of any carry-over of unused paid sick leave from the current
150 year to the following year, an employer may provide an employee with
151 an amount of paid sick leave that meets or exceeds the requirements of
152 this subsection that is available for the employee's immediate use at the
153 beginning of the following year.

154 (b) [A service worker] An employee shall be entitled to the use of any
155 accrued paid sick leave [upon the completion of the service worker's six-
156 hundred-eightieth hour of employment from January 1, 2012, if the
157 service worker was hired prior to January 1, 2012, or if hired after
158 January 1, 2012, upon the completion of the service worker's six-
159 hundred-eightieth hour of employment from the date of hire, unless the
160 employer agrees to an earlier date. A service worker shall not be entitled
161 to the use of accrued paid sick leave if such service worker did not work
162 an average of ten or more hours per week for the employer in the most
163 recent complete quarter] as it is accrued.

164 (c) An employer shall be deemed to be in compliance with this section
165 if the employer offers any other paid leave, or combination of other paid
166 leave that (1) may be used for the purposes of, and under the same
167 conditions provided in, section 31-57t, as amended by this act, and (2) is
168 accrued in total at a rate equal to or greater than the rate described in
169 [subsections] subsection (a) [and (b)] of this section. For the purposes of
170 this subsection, "other paid leave" may include, but need not be limited
171 to, paid vacation, personal days or paid time off.

172 (d) Each employer shall pay each [service worker] employee for paid
173 sick leave at a pay rate equal to [the greater of either] (1) the normal
174 hourly wage for that [service worker] employee, or (2) the minimum fair
175 wage rate under section 31-58 in effect for the pay period during which

176 the employee [used] uses paid sick leave, whichever is greater. For any
177 [service worker] employee whose hourly wage varies depending on the
178 work performed by the [service worker] employee, "normal hourly
179 wage" means the average hourly wage of the [service worker] employee
180 in the pay period prior to the one in which the [service worker used]
181 employee uses paid sick leave.

182 [(e) Notwithstanding the provisions of this section and sections 31-
183 57t to 31-57w, inclusive, and upon the mutual consent of the service
184 worker and employer, a service worker who chooses to work additional
185 hours or shifts during the same or following pay period, in lieu of hours
186 or shifts missed, shall not use accrued paid sick leave.]

187 (e) An employee who is exempt from overtime requirements under
188 the provisions of 29 USC 213(a)(1), as amended from time to time, shall
189 be presumed to work forty hours each work week for purposes of paid
190 sick leave accrual, except each such employee, whose normal work
191 week is less than forty hours, shall accrue paid sick leave based upon
192 the hours worked in such normal work week.

193 (f) (1) If an employee is transferred by an employer to another
194 division, entity or worksite but remains employed by such employer,
195 such employee shall retain and may use all paid sick leave accrued or
196 received by the employee while working at such prior division, entity
197 or worksite.

198 (2) If another employer succeeds or takes the place of an existing
199 employer, each employee of the original employer who remains
200 employed by such other successor employer shall retain and may use
201 all paid sick leave accrued or received while employed by the original
202 employer.

203 (g) No employer shall require an employee to search for or find a
204 replacement to work the hours for which such employee is using paid
205 sick leave.

206 [(f)] (h) No employer shall (1) terminate any employee, (2) dismiss

207 any employee, or (3) transfer any employee from one worksite to
208 another solely in order to not qualify as an employer, as defined in
209 section 31-57r, as amended by this act.

210 (i) For the purposes of sections 31-57r to 31-57w, inclusive, as
211 amended by this act, relating to the accrual and use of paid sick leave,
212 the Personal Care Attendant Workforce Council established under
213 section 17b-706a shall be considered an employer of any personal care
214 attendants, as defined in section 17b-706.

215 Sec. 3. Section 31-57t of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective October 1, 2023*):

217 (a) An employer shall permit [a service worker] an employee to use
218 the paid sick leave accrued pursuant to section 31-57s, as amended by
219 this act:

220 (1) For (A) [a service worker's] an employee's illness, injury or health
221 condition, (B) the medical diagnosis, care or treatment of [a service
222 worker's] an employee's mental [illness] or physical illness, injury or
223 health condition, or (C) preventative medical care for [a service worker]
224 an employee for mental or physical health;

225 (2) For (A) [a service worker's child's or spouse's] an employee's
226 family member's illness, injury or health condition, (B) the medical
227 diagnosis, care or treatment of [a service worker's child's or spouse's] an
228 employee's family member's mental or physical illness, injury or health
229 condition, or (C) preventative medical care for [a child or spouse of a
230 service worker; and] an employee's family member for mental or
231 physical health;

232 (3) For (A) closure, by order of a public official due to a public health
233 emergency, of (i) an employer's place of business, or (ii) a family
234 member's school or place of care, or (B) determination, by (i) a health
235 authority having jurisdiction, (ii) employer of the employee, (iii)
236 employer of a family member, or (iv) a health care provider, that such
237 employee or family member poses a risk to the health of others due to

238 such employee or family member's exposure to a communicable illness,
239 whether or not the employee or family member contracted the
240 communicable illness; and

241 [(3)] (4) Where [a service worker] an employee or an employee's
242 family member is a victim of family violence or sexual assault (A) for
243 medical care or psychological or other counseling for physical or
244 psychological injury or disability, (B) to obtain services from a victim
245 services organization, (C) to relocate due to such family violence or
246 sexual assault, or (D) to participate in any civil or criminal proceedings
247 related to or resulting from such family violence or sexual assault.

248 (b) If [a service worker's] an employee's need to use paid sick leave is
249 foreseeable, an employer may require advance notice, not to exceed
250 seven days prior to the date such leave is to begin, of the intention to use
251 such leave. If [a service worker's] an employee's need for such leave is
252 not foreseeable, an employer may require [a service worker] an
253 employee to give notice of such intention as soon as practicable. For paid
254 sick leave of three or more consecutive days, an employer may require
255 reasonable documentation that such leave is being taken for one of the
256 purposes permitted under subsection (a) of this section. If such leave is
257 permitted under subdivision (1) or (2) of subsection (a) of this section,
258 documentation signed by a health care provider who is treating the
259 [service worker or the service worker's child or spouse] employee or an
260 employee's family member indicating the need for the number of days
261 of such leave shall be considered reasonable documentation. If such sick
262 leave is permitted under subdivision (3) of subsection (a) of this section,
263 a written statement from an employee affirming that such employee is
264 using or has used paid sick leave for the purpose of said subdivision
265 shall be considered reasonable documentation. Such written statement
266 may be written in the employee's primary language and need not be
267 notarized or in any particular format. If such leave is permitted under
268 subdivision [(3)] (4) of subsection (a) of this section, a court record or
269 documentation signed by [a service worker] an employee or volunteer
270 working for a victim services organization, an attorney, a police officer
271 or other counselor involved with the [service worker] employee shall be

272 considered reasonable documentation. An employer may not require an
273 employee to provide any documentation to explain the nature of the
274 illness or the details of the family violence or sexual assault. If an
275 employer requires an employee to provide documentation for paid sick
276 leave under this section and (1) such employer does not offer health
277 insurance to the employee, such employer shall pay all out-of-pocket
278 expenses the employee incurs in obtaining the documentation, or (2) if
279 an employee has health insurance, the employer shall pay any costs
280 charged to such employee by the employee's health care provider for
281 providing the specific documentation required by the employer. The
282 employer shall pay any costs charged to an employee for documentation
283 of family violence or sexual assault required by the employer.

284 (c) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
285 this act, shall be deemed to require any employer to provide paid sick
286 leave for [a service worker's] an employee's leave for any purpose other
287 than those described in this section.

288 (d) Unless an employee policy or collective bargaining agreement
289 provides for the payment of accrued fringe benefits upon termination,
290 no [service worker] employee shall be entitled to payment of unused
291 accrued paid sick leave under this section upon termination of
292 employment.

293 (e) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
294 this act, shall be construed to prohibit an employer from taking
295 disciplinary action against [a service worker] an employee who uses
296 paid sick leave provided under sections 31-57s to 31-57w, inclusive, as
297 amended by this act, for purposes other than those described in this
298 section.

299 Sec. 4. Section 31-57u of the general statutes is repealed and the
300 following is substituted in lieu thereof (*Effective October 1, 2023*):

301 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
302 this act, shall be construed to (1) prevent employers from providing
303 more paid sick leave than is required under said sections, [31-57s to 31-

304 57w, inclusive,] (2) diminish any rights provided to any employee [or
305 service worker] under a collective bargaining agreement, or (3) preempt
306 or override the terms of any collective bargaining agreement effective
307 prior to January 1, 2012.

308 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
309 this act, shall be construed to prohibit an employer (1) from establishing
310 a policy whereby [a service worker] an employee may donate unused
311 accrued paid sick leave to another [service worker] employee, and (2)
312 who provides more paid sick leave than is required under sections 31-
313 57s to 31-57w, inclusive, as amended by this act, for the purposes
314 described in subdivision (1) of subsection (a) of section 31-57t, as
315 amended by this act, from limiting the amount of such sick leave [a
316 service worker] an employee may use for other purposes.

317 (c) Any termination of [a service worker's] an employee's
318 employment by an employer, whether voluntary or involuntary, shall
319 be construed as a break in service. Should any [service worker]
320 employee subsequently be rehired by the employer following a break in
321 service, the [service worker] employee shall (1) begin to accrue sick
322 leave [in accordance with section 31-57s] immediately upon rehire, and
323 (2) shall not be entitled to any unused hours of paid sick leave that had
324 been accrued prior to the [service worker's] employee's break in service,
325 [unless agreed to by the employer.]

326 Sec. 5. Section 31-57v of the general statutes is repealed and the
327 following is substituted in lieu thereof (*Effective October 1, 2023*):

328 (a) No employer shall take retaliatory personnel action or
329 discriminate against an employee because the employee (1) requests or
330 uses paid sick leave either in accordance with sections 31-57s, as
331 amended by this act, and 31-57t, as amended by this act, or in
332 accordance with the employer's own paid sick leave policy, as the case
333 may be, or (2) files a complaint with the Labor Commissioner alleging
334 the employer's violation of sections 31-57s to 31-57w, inclusive, as
335 amended by this act.

336 (b) The Labor Commissioner shall advise any employee who (1) is
337 covered by a collective bargaining agreement that provides for paid sick
338 days, and (2) files a complaint pursuant to subsection (a) of this section
339 of [his or her] the employee's right to pursue a grievance with [his or
340 her] the employee's collective bargaining agent.

341 (c) Any employee aggrieved by a violation of the provisions of
342 sections 31-57s to 31-57w, inclusive, as amended by this act, may file a
343 complaint with the Labor Commissioner. Upon receipt of any such
344 complaint, said commissioner may hold a hearing. After the hearing,
345 any employer who is found by the Labor Commissioner, by a
346 preponderance of the evidence, to have violated the provisions of
347 subsection (a) of this section shall be liable to the Labor Department for
348 a civil penalty of five hundred dollars for each violation. Any employer
349 who is found by the Labor Commissioner, by a preponderance of the
350 evidence, to have violated the provisions of sections 31-57s to 31-57u,
351 inclusive, as amended by this act, or section 31-57w, as amended by this
352 act, shall be liable to the Labor Department for a civil penalty of up to
353 one hundred dollars for each violation. The Labor Commissioner may
354 award the employee all appropriate relief, including the payment for
355 used paid sick leave, rehiring or reinstatement to the employee's
356 previous job, payment of back wages and reestablishment of employee
357 benefits to which the employee otherwise would have been eligible if
358 the employee had not been subject to such retaliatory personnel action
359 or discriminated against. Any party aggrieved by the decision of the
360 commissioner may appeal the decision to the Superior Court in
361 accordance with the provisions of chapter 54.

362 (d) The Labor Commissioner, the Attorney General, any person
363 aggrieved by a violation of any provision of sections 31-57s to 31-57w,
364 inclusive, as amended by this act, or any entity whose member of which
365 is aggrieved by a violation of said sections, may bring a civil action in
366 the Superior Court against an employer for such violation. Such action
367 may be brought by a person aggrieved by a violation of this section
368 without first filing an administrative complaint.

369 [(d)] (e) The Labor Commissioner shall administer this section within
370 available appropriations.

371 Sec. 6. Section 31-57w of the general statutes is repealed and the
372 following is substituted in lieu thereof (*Effective October 1, 2023*):

373 (a) Each employer subject to the provisions of section 31-57s, as
374 amended by this act, shall, at the time of hiring, provide notice to each
375 [service worker] employee (1) of the entitlement to paid sick leave for
376 [service workers] employees, the amount of paid sick leave provided to
377 [service workers] employees and the terms under which paid sick leave
378 may be used, (2) that retaliation by the employer against the [service
379 worker] employee for requesting or using paid sick leave for which the
380 [service worker] employee is eligible is prohibited, and (3) that the
381 [service worker] employee has a right to file a complaint with the Labor
382 Commissioner or bring a civil action in the Superior Court for any
383 violation of this section and of sections 31-57s to 31-57v, inclusive, as
384 amended by this act. [Employers may] Each employer shall comply with
385 the provisions of this section by (A) displaying a poster in a conspicuous
386 place, accessible to [service workers] employees, at the employer's place
387 of business that contains the information required by this section in both
388 English and Spanish, [. The Labor Commissioner may adopt
389 regulations, in accordance with chapter 54, to establish additional
390 requirements concerning the means by which employers shall provide
391 such notice. The Labor Commissioner shall administer this section
392 within available appropriations.] for employers that do not maintain a
393 physical workplace or for employees that telework or perform work
394 through a web-based or application-based platform, employers shall
395 comply with the provisions of this section by sending such information
396 via electronic communication or by a conspicuous posting of such
397 information on a web-based or application-based platform, and (B)
398 providing written notice to each employee not later than January 1, 2024,
399 or at the time of hire, whichever is later. The Labor Commissioner shall
400 create a model of such poster and written notice and make such poster
401 and written notice available to all employers on the Labor Department's
402 Internet web site.

403 (b) Each employer shall include in the record required under section
404 31-13a, (1) the number of hours, if any, of paid sick leave accrued by or
405 provided to the employee, and (2) the number of hours, if any, of paid
406 sick leave used by the employee during the calendar year. Each
407 employer shall retain such records for a period of three years and shall
408 allow the Labor Commissioner, with appropriate notice and at a
409 mutually agreeable time, access to such record in order to monitor
410 compliance with the requirements of this section. If an employer does
411 not retain adequate records documenting hours worked by an employee
412 and paid sick leave used by such employee or does not allow reasonable
413 access to such records, it shall be presumed that such employer has
414 violated this section, provided there is not clear and convincing
415 evidence otherwise.

416 (c) The Labor Commissioner may adopt regulations, in accordance
417 with the provisions of chapter 54, to implement the provisions of this
418 section and sections 31-57s to 31-57v, inclusive, as amended by this act.

419 (d) The Labor Commissioner may develop and implement a
420 multilingual outreach program in order to inform employees, parents
421 and persons who are under the care of a health care provider about the
422 availability of paid sick leave. Such program shall include the
423 distribution of notices and other written materials to all providers of
424 child care services, as described in section 19a-77, elder care providers,
425 domestic violence shelters, local and regional boards of education and
426 governing entities of nonpublic schools, hospitals, community health
427 centers and other health care providers. Such materials shall be in
428 English, Spanish and any language that is the primary language spoken
429 by not less than five per cent of the state's population.

430 (e) The Labor Commissioner shall administer this section within
431 available appropriations.

432 Sec. 7. Subsection (a) of section 31-397 of the general statutes is
433 repealed and the following is substituted in lieu thereof (*Effective October*
434 *1, 2023*):

435 (a) The Labor Commissioner, in consultation with the Commissioner
 436 of Public Health, shall encourage the development of occupational
 437 health clinics by making grants-in-aid to public and nonprofit
 438 organizations. Such grants-in-aid shall be used to facilitate the
 439 development and operation of such clinics, including, but not limited to,
 440 preproject development, site acquisition, development, improvement
 441 and operating expenses. Such grants-in-aid may be used for activities
 442 involved in occupational disease evaluation, treatment and prevention,
 443 particularly when such activities are not compensated by other sources.
 444 Priority for such grants-in-aid may be given to organizations providing
 445 services for working age populations, including, but not limited to,
 446 migrant and contingent workers, where health disparities or work
 447 structure interfere with the provision of occupational health care
 448 services. Such grants-in-aid shall not be used to compensate any
 449 occupational health clinic for any activities that utilize commercial
 450 services or involve grants or contracts received from an outside party.
 451 The commissioner shall consult with the Occupational Health Clinics
 452 Advisory Board prior to making any such grant. For purposes of this
 453 subsection, "contingent worker" means an individual whose
 454 employment is of a temporary and sporadic nature and may include,
 455 but not be limited to, (1) an agricultural worker, (2) an independent
 456 contractor, as defined in section 36a-485, or [a day or temporary worker,
 457 as defined in section 31-57r] (3) an individual who performs work for
 458 another on (A) a per diem basis, or (B) an occasional or irregular basis
 459 for only the time required to complete such work, whether such
 460 individual is paid by the person for whom such work is performed or
 461 by an employment agency or temporary help service, as defined in
 462 section 31-129.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	31-57r
Sec. 2	October 1, 2023	31-57s
Sec. 3	October 1, 2023	31-57t
Sec. 4	October 1, 2023	31-57u
Sec. 5	October 1, 2023	31-57v

Sec. 6	October 1, 2023	31-57w
Sec. 7	October 1, 2023	31-397(a)

Statement of Legislative Commissioners:

In Section 1(2), "employee" was changed to "individual" for internal consistency; in Section 2(a) "at a faster rate than required by" was replaced with "that is accrued in total at a rate greater than the rate described in" for clarity; in Section 6(a), "and make such poster and written notice" was added after "written notice" for clarity; and in Section 6(d) "first" was changed to "primary" for consistency with standard drafting conventions.

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Labor Dept.	GF - Cost	244,343	324,402
State Comptroller - Fringe Benefits ¹	GF - Cost	93,494	127,776
Labor Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Department of Developmental Services; Social Services, Dept. Resources of the General Fund	GF - Potential Cost	See Below	See Below
	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which expands the state's paid sick leave law to approximately 1.6 million workers, results in a cost to (1) the Department of Labor (DOL) of \$244,343 in FY 24 (partial year cost) and \$324,402 in FY 25 and (2) the State Comptroller- Fringe Benefits account of \$93,494 in FY 24 (partial year cost) and \$127,776 in FY 25, as well as a potential minimal revenue gain associated with civil penalties from violations.² Finally, the bill results in a potential cost and potential revenue loss associated with paid sick leave for personal care attendants

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

² Civil penalties for violations of the state's paid sick leave provisions range from \$100 to \$500 per violation.

(PCAs).

Administration Costs

In order to administer the expanded sick leave provisions, DOL would require two Wage Enforcement Agents (\$89,177 for salary and \$38,186 for fringe benefits each) and one Staff Attorney (\$112,769 for salary and \$48,288 for fringe benefits) along with associated equipment/overhead costs of \$26,000.

Personal Care Attendants

The bill results in a cost to the Departments of Social Services (DSS) and Developmental Services (DDS) associated with paid sick leave for PCAs, to the extent the bill's provisions exceed paid sick leave provided under the PCA agreement. Cost components would include (1) payment to PCAs for sick leave, (2) payment to PCAs to provide necessary services to Medicaid consumers while another PCA is taking sick leave, and (3) enhanced contract costs for the PCA Workforce Council to administer paid sick leave benefits. For context, there are approximately 15,000 PCAs supporting DSS and DDS Medicaid consumers.

The bill requires the PCA Workforce Council to act on behalf of consumer employers of PCAs for purposes of the bill. Most DSS and DDS consumers with funding for PCAs are enrolled in a Home and Community-Based Medicaid waiver and are self-directed consumer employers, as specified under the waiver. To the extent the bill's provisions conflict with Medicaid waiver requirements, the bill results in a federal revenue loss.

Enforcement

Sections 5 and 6 allows employees, the Labor Commissioner, or the Attorney General to bring civil action to the Superior Court for violations of the bill. Additionally, appeals to complaints made to the Labor Commissioner may be appealed in Superior Court. This does not result in any fiscal impact to the state or municipalities. The court system disposes of over 250,000 cases annually and the number of cases is not

anticipated to be great enough to need additional resources.

The Out Years

The annualized ongoing cost impact identified above would continue into the future subject to inflation. The ongoing revenue impact identified above would continue into the future.

OLR Bill Analysis**sSB 1178*****AN ACT EXPANDING CONNECTICUT PAID SICK DAYS.*****SUMMARY**

This bill expands the state's paid sick leave law in numerous ways. The current paid sick leave law generally requires certain employers with at least 50 employees to provide up to 40 hours of paid sick leave annually to their "service workers" in certain specified occupations. The bill expands the law by, among other things:

1. covering all private-sector employers and employees under it, except certain union construction workers and their employers;
2. broadening the range of family members for whom an employee may use the leave;
3. increasing the rate at which employees accrue leave and removing the waiting period before they may use it; and
4. broadening the reasons employees may use the leave to include events such as closures due to a public health emergency and quarantines.

The bill limits the extent to which employers may require employees to provide documentation to support their reasons for taking leave by (1) limiting the details that can be required and (2) requiring an employer to pay an employee's out-of-pocket expenses for getting the required documentation.

It expands current law's enforcement mechanisms by allowing anyone aggrieved by a violation to bring a lawsuit against an employer without first filing an administrative complaint with the Department of

Labor (DOL) commissioner. It also expands current employer notice requirements by requiring employers to give written notice to each employee about the paid sick leave law. The bill also sets employer recordkeeping requirements that, among other things, require (1) employee “pay stubs” to include an employee’s accrued paid sick time and use for the calendar year and (2) employers to maintain their paid sick leave records for three years.

It also allows DOL to develop an outreach program and makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2023

§§ 1-3 — COVERED EMPLOYERS, EMPLOYEES, & FAMILY MEMBERS

Employers and Employees

The current paid sick leave law covers private sector employers with at least 50 employees, except manufacturers and certain non-profits. The bill expands the law’s coverage to nearly all private sector employers regardless of their size, industry, or non-profit status. However, it exempts (1) employers that participate in a multi-employer health plan requiring contributions from multiple employers and maintained under a collective bargaining agreement between employers and a construction-related trade person employee organization (e.g., union) or organizations and (2) the employees who are members of an employee organization that is a party to one of these health plans.

For accruing and using paid sick leave, the bill also makes the state’s Personal Care Attendant Workforce Council the employer of personal care attendants (PCAs) who provide personal care assistance under a state-funded program, such as the Connecticut Home Care Program for Elders. (The consumer for whom the PCA provides services is, generally, otherwise considered the PCA’s employer.)

The bill also expands current law to cover all private sector employees (except for the union construction workers described above), rather than only the specified “service worker” occupations covered by

current law. It also includes the day or temporary workers excluded from the current law.

Family Members (§§ 1 & 3)

Current law allows covered employees to use paid sick leave to care for their minor or disabled child (or for whom they stand in place of a parent) or spouse. The bill broadens the range of “family members” for whom employees may use paid sick leave to include their adult children, siblings, parents, grandparents, grandchildren, and anyone related by blood or affinity whose close association is the equivalent of these family members. Under the bill, siblings, parents, and grandchildren include those relations by blood, marriage, adoption, or foster care, as is the case for children under current law.

§§ 2 & 4 — LEAVE ACCRUAL AND AVAILABILITY

Leave Accrual

The bill increases the (1) rate at which employees accrue leave, from one hour per every 40 hours worked to one hour per every 30 hours worked, and (2) maximum amount of leave that an employee can accrue, from 40 to 80 hours per year. It also specifies that employers may give their employees more paid sick leave at a faster rate than required by the bill.

The bill specifies that employees exempt from federal law’s overtime pay requirements must be presumed to work 40 hours per week for leave accrual purposes unless their normal work week is less than 40 hours. If it is, then their leave accrual must be based on their normal work week. (Current law does not explicitly address this issue.)

Under current law, an employee’s termination is a break in service and the employee’s previously accrued sick leave does not carry over if the employee is rehired by the same employer. The bill (1) specifies that the employee’s sick leave begins accruing immediately upon rehire and (2) removes a provision that explicitly allowed the employer and rehired employee to agree to allow the employee to recover any sick leave accrued before the break in service (§ 4).

The bill requires that employees maintain their accrued paid sick leave when (1) they transfer to a separate division, entity, or location with the same employer or (2) a different employer succeeds or replaces an existing employer. (Current law does not explicitly address either of these issues.)

Leave Availability

Under current law, employees must work 680 hours for their employer before they can use their leave. The bill instead allows employees to use their leave as it is accrued. It also allows employees to use the leave regardless of how much they work by eliminating a provision in current law that allows employees to use leave only if they average at least 10 work hours per week in the most recent complete quarter.

Replacements and Shift Swapping

The bill prohibits employers from requiring employees taking paid sick leave to look for or find a replacement to cover their hours while on leave. It also removes a provision in current law that prohibits an employee's use of their accrued paid sick leave if they choose to work additional hours or shifts during the same or following pay period, in place of hours or shifts missed.

Leave Carryover

Current law entitles covered employees to carry over up to 40 unused accrued hours of paid sick leave from one year to the next. Under the bill, an employer may alternatively give an employee an amount of paid sick leave that meets or exceeds the bill's requirements and is available for the employee to use immediately at the beginning of the next year, instead of carrying over the unused paid sick leave.

Other Employer-Provided Leave

The current paid sick leave law deems an employer in compliance with its requirements if the employer offers other paid leave that may be used for the same purposes as provided in the law. The bill requires that employees also be able to use the other paid leave under the same

conditions for the exception to apply.

§ 3 — LEAVE USES & DOCUMENTATION

The bill expands the reasons why an employee may use sick leave to include when the employer's place of business or a family member's school or place of care is closed by order of a public official due to a public health emergency.

It also allows for leave if the employee or a family member is under quarantine (i.e., when it has been determined that the employee or family member poses a risk to others' health due to their exposure to a communicable disease, regardless of whether they actually contracted it). The determination for a quarantine must be made by a health authority with jurisdiction, a health care provider, or the employee's or family member's employer.

Under current law, an employee may use paid sick leave for preventative medical care for themselves or a covered family member. The bill specifies that this includes preventative care for mental or physical health.

Current law also allows an employee to use paid sick leave if he or she was a victim of family violence or sexual assault and needs leave to do certain things (e.g., get counseling or participate in civil or criminal proceedings). The bill allows employees to use the leave if their family member is a victim of family violence or sexual assault and needs to do these same things.

Documentation

Under certain circumstances, current law allows employers to require employees to provide documentation to support their reasons for taking leave. The bill limits this authority by prohibiting employers from requiring documentation that explains the nature of the illness or, if the employee is taking leave due to family violence or sexual assault, the details of the domestic violence or sexual assault.

If the employer requires documentation but does not offer health

insurance, the bill requires the employer to pay all of the employee's out-of-pocket expenses for getting the documentation. If the employee has health insurance, the employer must pay any costs that the employee's health care provider charges to the employee for the documentation. The employer must pay any costs charged to the employee for getting documentation for leave related to family violence or sexual assault.

Under the bill, if a leave is taken due to a closure under a public health emergency order or a quarantine, a written statement from the employee affirming that he or she is taking paid sick leave for one of these reasons must be considered reasonable documentation. The statement may be written in the employee's first language and does not have to be notarized or in any particular format.

§ 5 — LAWSUITS

Under current law, someone aggrieved by a violation of the paid sick leave law may file a complaint with the labor commissioner and then appeal the commissioner's decision to the Superior Court. The bill expands current law's enforcement provisions to also allow the labor commissioner, the attorney general, a person aggrieved by a violation of the paid sick leave law, or an entity in which the person is a member to bring a lawsuit against an employer. The aggrieved person may bring the lawsuit without first filing an administrative complaint with the labor commissioner.

§ 6 — EMPLOYER NOTICE AND RECORDS

Current law requires employers to notify employees about certain provisions of the paid sick leave law when they are hired (e.g., how leave accrues and how it may be used). The bill requires this notice to also include the employee's right to bring a civil action in Superior Court.

Current law allows employers to meet the notice requirement by displaying a poster in the workplace. The bill instead requires employers to give written notice to each employee about these

provisions and display a poster about them in the workplace. Employers must give employees the written notice by January 1, 2024, or when an employee is hired, whichever is later.

If the employer does not maintain a physical workplace, or an employee teleworks or works through a web-based or app-based platform, the bill requires the employer to meet the notice requirement by sending the information through electronic communication or conspicuously posting it on a web-based or app-based platform. It also requires the labor commissioner, within available appropriations, to create a model poster and written notice and make them available to employers on DOL's website.

The bill requires that employee "pay stubs" include an employee's accrued paid sick time and use for the calendar year. It also requires employers to maintain these paid sick leave records for three years and give the labor commissioner access to them, with appropriate notice and at a mutually agreeable time, to monitor compliance with the bill's record keeping requirements. Under the bill, if an employer does not retain adequate records documenting an employee's hours worked and paid sick leave used, or does not allow reasonable access to the records, it must be presumed that the employer violated the record keeping requirements unless there is clear and convincing evidence otherwise.

§ 6 — DOL OUTREACH PROGRAM AND REGULATIONS

The bill allows the labor commissioner, within available appropriations, to develop and implement a multilingual outreach program to inform people about the availability of paid sick leave. The program must include notices and other written material in English, Spanish, and any language that is the primary language spoken by at least 5% of the state's population. These must be distributed to all child care and elder care providers, domestic violence shelters, public and private schools, hospitals, community health centers, and other health care providers.

Lastly, the bill allows the labor commissioner to adopt regulations,

within available appropriations, to implement the paid sick leave law. Current law allows her to adopt regulations about the law’s notice requirements.

BACKGROUND

Related Bill

sHB 6668, reported favorably by the Labor and Public Employees Committee, also expands the paid sick leave law. Among other differences with this bill, however, it (1) requires employers with 10 or fewer employees to only give employees unpaid sick leave, (2) broadens the law to include a smaller range of family members, (3) does not increase the maximum annual leave allowed, and (4) does not allow aggrieved employees to bring a lawsuit.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4 (03/21/2023)